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10 Attorneys for Plaintiffs,  
11 ARISTA RECORDS LLC; WARNER BROS.  
12 RECORDS INC.; UMG RECORDINGS, INC.;  
13 VIRGIN RECORDS AMERICA, INC.; and SONY  
14 BMG MUSIC ENTERTAINMENT

15  
16 UNITED STATES DISTRICT COURT  
17 NORTHERN DISTRICT OF CALIFORNIA  
18 ARISTA RECORDS LLC, a Delaware limited  
19 liability company; WARNER BROS.  
20 RECORDS INC., a Delaware corporation; UMG  
21 RECORDINGS, INC., a Delaware corporation;  
22 VIRGIN RECORDS AMERICA, INC., a  
23 California corporation; and SONY BMG  
24 MUSIC ENTERTAINMENT, a Delaware  
25 general partnership,

26 Plaintiffs,

27 v.

28 JOHN DOE,

Defendant.

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CLERK'S OFFICE, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
2007-04-980HRL

JF

CASE NO. 2007-04-980HRL

**EX PARTE APPLICATION FOR LEAVE  
TO TAKE IMMEDIATE DISCOVERY**

1 Plaintiffs, through their undersigned counsel, pursuant to Federal Rules of Civil  
2 Procedure 26 and 45, the Declaration of Carlos Linares, and the authorities cited in the supporting  
3 Memorandum of Law, hereby apply *ex parte* for an Order permitting Plaintiffs to take immediate  
4 discovery.

5 In support thereof, Plaintiffs represent as follows:

6 Plaintiffs, record companies who own the copyrights in the most popular sound  
7 recordings in the United States, seek leave of the Court to serve limited, immediate discovery on a  
8 third party Internet Service Provider (“ISP”) to determine the true identity of Defendant John Doe  
9 (“Defendant”), who is being sued for direct copyright infringement.

10 As alleged in the complaint, Defendant, without authorization, used an online media  
11 distribution system to download Plaintiffs’ copyrighted works and/or distribute copyrighted works to  
12 the public. Although Plaintiffs do not know the true name of Defendant, Plaintiffs have identified  
13 Defendant by a unique Internet Protocol (“IP”) address assigned to Defendant on the date and time  
14 of Defendant’s infringing activity.

15 Plaintiffs intend to serve a Rule 45 subpoena on the ISP seeking documents that  
16 identify Defendant’s true name, current (and permanent) address and telephone number, e-mail  
17 address, and Media Access Control (“MAC”) address. Without this information, Plaintiffs cannot  
18 identify Defendant or pursue their lawsuit to protect their copyrighted works from repeated  
19 infringement.

20 Good cause exists to allow Plaintiffs to conduct this limited discovery in advance of a  
21 Rule 26(f) conference where there are no known defendants with whom to confer.

1 WHEREFORE, Plaintiffs apply *ex parte* for an Order permitting Plaintiffs to conduct  
2 the foregoing requested discovery immediately.

3 Dated: September 20, 2007

HOLME ROBERTS & OWEN LLP

4 By: 

5 MATTHEW FRANKLIN JAKSA  
6 Attorney for Plaintiffs  
7 ARISTA RECORDS LLC; WARNER  
8 BROS. RECORDS INC.; UMG  
9 RECORDINGS, INC.; VIRGIN  
RECORDS AMERICA, INC.; and SONY  
BMG MUSIC ENTERTAINMENT